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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Rake et al.) Group Art Unit: 3671
Appl. No. : 09/892,900)
Filed : June 26, 2001)
For : PLATEN PUMP)
Examiner : Karin M. Reichle)

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Repl. Re): 04/26/2004 SDIRL:08 0009431500
DNR:111410 Name/Number:09892900
FC: 5E04) TECHNOLOGY CENTER 3700
055.00 CR

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

04/26/2004 SDIRL:08 0009431500

08 FC:2E00
03 FC:2E14

055.00 CR

Dear Sir:

The owner, "I-Flow Corporation" of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,911,716. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any

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terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by an terminal disclaimer.

The undersigned is an attorney of record.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: APRIL 20, 2004

By: 

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